

Introduced by Senator Aanestad

February 22, 2005

An act to amend Sections 114850, 114870, and 114896 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 700, as amended, Aanestad. Radiologic technology: radiologist assistants.

Existing law, commonly known as the Radiation Protection Act of 1988, sets forth the duties of various agencies relating to the protection of the public health and safety from the harmful effects of radiation, including, among others, the duties of the State Department of Health Services regarding the licensing and regulation of radiologic technology, including, but not limited to, providing for the certification of radiologic technologists. Violation of provisions relating to radiologic technology is a crime.

This bill would require the department to provide for the certification of radiologist assistants, as defined, would set forth their qualifications and duties, and would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 114850 of the Health and Safety Code
- 2 is amended to read:
- 3 114850. As used in this chapter:
- 4 (a) "Department" means the State Department of Health
- 5 Services.

1 (b) “Committee” means the Radiologic Technology
2 Certification Committee.

3 (c) “Radiologic technology” means the application of X-rays
4 on human beings for diagnostic or therapeutic purposes.

5 (d) “Radiologic technologist” means any person other than a
6 licentiate of the healing arts making application of X-rays to
7 human beings for diagnostic or therapeutic purposes pursuant to
8 subdivision (b) of Section 114870.

9 (e) “Limited permit” means a permit issued pursuant to
10 subdivision (c) of Section 114870 to persons to conduct
11 radiologic technology limited to the performance of certain
12 procedures or the application of X-ray to specific areas of the
13 human body, except for a mammogram.

14 (f) “Approved school for radiologic technologists” means a
15 school that the department has determined provides a course of
16 instruction in radiologic technology that is adequate to meet the
17 purposes of this chapter.

18 (g) “Supervision” means responsibility for, and control of,
19 quality, radiation safety, and technical aspects of all X-ray
20 examinations and procedures.

21 (h) “Licentiate of the healing arts” means a person licensed
22 under the provisions of the Medical Practice Act, and a person
23 licensed under the provisions of the initiative act entitled “An act
24 prescribing the terms upon which licenses may be issued to
25 practitioners of chiropractic, creating the State Board of
26 Chiropractic Examiners and declaring its powers and duties,
27 prescribing penalties for violation thereof, and repealing all acts
28 and parts of acts inconsistent herewith,” approved by electors
29 November 7, 1922, as amended, or under the “Osteopathic Act.”

30 (i) “Certified supervisor or operator” means a licentiate of the
31 healing arts who has been certified under subdivision (e) of
32 Section 114870 or 107115 to supervise the operation of X-ray
33 machines or to operate X-ray machines, or both.

34 (j) “Student of radiologic technology” means a person who has
35 started and is in good standing in a course of instruction that, if
36 completed, would permit the person to be certified a radiologic
37 technologist or granted a limited permit upon satisfactory
38 completion of any examination required by the department.
39 “Student of radiologic technology” does not include any person

1 who is a student in a school of medicine, chiropractic, podiatry,
2 dentistry, dental radiography, or dental hygiene.

3 (k) “Mammogram” means an X-ray image of the human
4 breast.

5 (l) “Mammography” means the procedure for creating a
6 mammogram.

7 (m) “Radiologist” means a physician and surgeon licensed
8 under the Business and Professions Code specializing in
9 radiology, who is board-certified by or board-eligible by the
10 American Board of Radiology, the American Osteopathic Board
11 of Radiology, the British Royal College of Radiology, or the
12 Canadian College of Physicians and Surgeons.

13 (n) “Radiologist assistant” means an advanced level of
14 radiologic technologist, other than a licentiate of the healing arts,
15 who works under the supervision of a radiologist to enhance
16 patient care by assisting the radiologist in the medical imaging
17 environment, and who meets all of the qualifications set forth in
18 paragraph (2) of subdivision (d) of Section 114870.

19 SEC. 2. Section 114870 of the Health and Safety Code is
20 amended to read:

21 114870. The department shall do all of the following:

22 (a) Upon recommendation of the committee, adopt regulations
23 as may be necessary to accomplish the purposes of this chapter.

24 (b) Provide for certification of radiologic technologists and
25 radiologist assistants, without limitation as to procedures or areas
26 of application, except as provided in Section 106980. Separate
27 certificates shall be provided for diagnostic radiologic
28 technology, for mammographic radiologic technology, and for
29 therapeutic radiologic technology. If a person has received
30 accreditation to perform mammography from a private
31 accreditation organization, the department shall consider this
32 accreditation when deciding to issue a mammographic radiologic
33 technology certificate.

34 (c) Provide, as may be deemed appropriate, for granting
35 limited permits to persons to conduct radiologic technology
36 limited to the performance of certain procedures or the
37 application of X-rays to specific areas of the human body, except
38 for mammography, prescribe minimum standards of training and
39 experience for these persons, and prescribe procedures for
40 examining applicants for limited permits. The minimum

standards shall include a requirement that persons granted limited permits under this subdivision shall meet those fundamental requirements in basic radiological health training and knowledge similar to those required for persons certified under subdivision (b) as the department determines are reasonably necessary for the protection of the health and safety of the public.

(d) (1) Provide for the approval of schools for radiologic technologists.

(2) Provide for the approval of schools for radiologic assistants.

(A) A radiologic assistant shall meet all of the following qualifications:

(i) Be a certified radiologic technologist.

(ii) Have satisfactorily completed an advanced academic program encompassing a nationally recognized radiologist assistant curriculum culminating in a baccalaureate degree, postbaccalaureate certificate, or master's degree, that incorporates a radiologist-directed clinical preceptorship.

(iii) Be certified as a radiologist assistant by the American Registry of Radiologic Technologists.

(B) The department, in consultation with the committee, shall adopt regulations setting forth the authorized duties of a radiologic assistant. The regulations shall be consistent with guidelines adopted by the American College of Radiology, The American Society of Radiologic Technologists, and The American Registry of Radiologic Technologists, however, a radiologist *assistant* shall not interpret images, make diagnoses, or prescribe medicines or therapies.

(e) Provide, upon recommendation of the committee, for certification of licentiates of the healing arts to supervise the operation of X-ray machines or to operate X-ray machines, or both, prescribe minimum standards of training and experience for these licentiates of the healing arts, and prescribe procedures for examining applicants for certification. This certification may limit the use of X-rays to certain X-ray procedures and the application of X-rays to specific areas of the human body.

(f) (1) Provide for certification of any physician and surgeon to operate, and supervise the operation of, a bone densitometer, if that physician and surgeon provides the department a certificate that evidences training in the use of a bone densitometer by a

representative of a bone densitometer machine manufacturer, or through any radiologic technology school. The certification shall be valid for the particular bone densitometer the physician and surgeon was trained to use, and for any other bone densitometer that meets all of the criteria specified in subparagraphs (A) to (C), inclusive, if the physician and surgeon has completed training, as specified in subparagraph (A) of paragraph (2), for the use of that bone densitometer. The physician and surgeon shall, upon request of the department, provide evidence of training, pursuant to subparagraph (A) of paragraph (2), for the use of any bone densitometer used by the physician and surgeon. The activity covered by the certificate shall be limited to the use of an X-ray bone densitometer to which all of the following is applicable:

(A) The bone densitometer does not require user intervention for calibration.

(B) The bone densitometer does not provide an image for diagnosis.

(C) The bone densitometer is used only to estimate bone density of the heel, wrist, or finger of the patient.

(2) The certificate shall be accompanied by a copy of the curriculum covered by the manufacturer's representative or radiologic technology school. The curriculum shall include, at a minimum, instruction in all of the following areas:

(A) Procedures for operation of the bone densitometer by the physician and surgeon, and for the supervision of the operation of the bone densitometer by other persons, including procedures for quality assurance of the bone densitometer.

(B) Proper radiation protection of the operator, the patient, and third parties in proximity to the bone densitometer.

(C) Provisions of Article 5 (commencing with Section 106955) of Chapter 4 of Part 1 of Division 104.

(D) Provisions of Chapter 6 (commencing with Section 114840) of Part 9 of Division 104.

(E) Provisions of Group 1 (commencing with Section 30100) of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the California Code of Regulations.

(F) Provisions of Group 1.5 (commencing with Section 30108) of Subchapter 4 of Chapter 5 of Division 1 of Title 17 of the California Code of Regulations.

1 (G) Provisions of Article 1 (commencing with Section 30250)
2 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17
3 of the California Code of Regulations.

4 (H) Provisions of Article 2 (commencing with Section 30254)
5 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17
6 of the California Code of Regulations.

7 (I) Provisions of Article 3 (commencing with Section 30265)
8 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17
9 of the California Code of Regulations.

10 (J) Provisions of Article 4 (commencing with Section 30305)
11 of Group 3 of Subchapter 4 of Chapter 5 of Division 1 of Title 17
12 of the California Code of Regulations.

13 (K) Provisions of Subchapter 4.5 (commencing with Section
14 30400) of Chapter 5 of Division 1 of Title 17 of the California
15 Code of Regulations.

16 (3) (A) Notwithstanding any other provision of law, this
17 subdivision shall constitute all the requirements that must be met
18 by a physician and surgeon in order to operate, and supervise the
19 operation of, a bone densitometer. The department may adopt
20 regulations consistent with this section in order to administer the
21 certification requirements.

22 (B) No person may be supervised by a physician and surgeon
23 in the use of a bone densitometer unless that person possesses the
24 necessary license or permit required by the department.

25 (C) Nothing in this subdivision shall affect the requirements
26 imposed by the committee or the department for the registration
27 of a bone densitometer machine, or for the inspection of facilities
28 in which any bone densitometer machine is operated.

29 (D) This subdivision shall not apply to a licentiate of the
30 healing arts who is certified pursuant to subdivision (e) or
31 pursuant to Section 107111.

32 (E) The department shall charge a fee for a certificate issued
33 pursuant to this subdivision to the extent necessary to administer
34 certification. The fee shall be in an amount sufficient to cover the
35 department's costs of implementing this subdivision and shall not
36 exceed the fee for certification to operate or supervise the
37 operation of an X-ray machine pursuant to subdivision (e). The
38 fees collected pursuant to this subparagraph shall be deposited
39 into the Radiation Control Fund established pursuant to Section
40 114980.

1 (g) Upon recommendation of the committee, exempt from
2 certification requirements those licentiates of the healing arts
3 who have successfully completed formal courses in schools
4 certified by the department and who have successfully passed a
5 roentgenology technology and radiation protection examination
6 approved by the department and administered by the board that
7 issued his or her license.

8 SEC. 3. Section 114896 of the Health and Safety Code is
9 amended to read:

10 114896. The department shall keep certificate holders and
11 permitholders apprised of significant changes in the practice of
12 radiologic technology and changes in regulation of the practice of
13 radiologic technology through a biannual report. The report shall
14 be furnished to certified radiological technologists, certified
15 radiologist assistants, and limited permitholders and may be
16 furnished to appropriate licentiates of the healing arts.